

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

MUSTAPHA MAISONNEUVE :
 :
 v. : File No. 2:96 CR 17-2
 :
 UNITED STATES OF AMERICA :

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed July 14, 2005. Petitioner's objections were filed July 28, 2005.

A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b) (1); *Perez-Rubio v. Wyckoff*, 718 F.Supp. 217, 227 (S.D.N.Y. 1989). The district judge may "accept, reject, or modify, in whole or in part, the magistrate's proposed findings and recommendations." *Id.*

After careful review of the file, the Magistrate Judge's Report and Recommendation and the objections, this Court ADOPTS the Magistrate Judge's recommendations in full.

The Court construes Maisonneuve's motion (Paper 169) as second and successive, and **TRANSFERS** the case to the Second Circuit pursuant to 28 U.S.C. §1631.

Dated at Burlington, in the District of Vermont, this
5th day of August, 2005.

/s/ William K. Sessions III
William K. Sessions III
Chief Judge
U.S. District Court